



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/781,840
Filed: 02/20/2004
Applicant: Belenkii et al
For: Visible/Near Infrared Sensor

Marked: 3/2/2009

Request for Reconsideration
Petition for Revival under 37 CFR 1.137(b)

MAIL STOP PETITIONS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Petition for Revival under 37 CFR 1.137(b) in the above application was filed on January 21, 2009. The petition was dismissed with notice mailed on February 24, 2009 (copy attached) because Applicants' attorney did not submit the required fee of \$810.00 but instead submitted only \$770.00. Applicant has enclosed herewith a check for the missing \$40.00. Please charge any additional fees to Deposit Account No. 200678.

Applicants request reconsideration of the dismissal decision and request that the Petition for Revival be granted.

Respectfully submitted

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03/05/2009 EEKUBAY1 00000003 10781840

01 FC:2453

810.00 0P

Adjustment date: 03/05/2009 EEKUBAY1
01/21/2009 WABDEL1 00000049 10781840
01 FC:1999 -770.00 0P



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

FEB 24 2009

OFFICE OF PETITIONS

In re Application of
Mikhail Blenkii et al
Application No. 10/781,840
Filed: February 20, 2004
Attorney Docket No. 518

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed April 25, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

Petitioner submitted a total of \$770.00 for the petition fee under 37 CFR 1.137(b), instead of the required fee of \$810.00 (small entity status).


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.


Karen Creasy
Petitions Examiner
Office of Petitions